

REMARKS

This application has been reviewed in light of the Office Action mailed on November 24, 2003. Claims 2-4, 6 and 8-16 are pending in this application with Claims 2, 6, 9, 10, 15, 16 being in independent form. By means of the present amendment, Claims 2, 8, 10, 15 and 16 have been amended. Claim 6 has been cancelled and Claim 17 has been added.

In the Office Action, claims 10, 15 and 16 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point and distinctly claim the subject matter. Claims 10, 15 and 16 have been amended in a manner which is believed to overcome the rejection.

In the Office Action, claim 9 was rejected under 35 U.S.C. §102 (b) as being anticipated by U.S. Patent No. 6,144,849 issued to Nodoushani et al. on November 7, 2000 ("Nodoushani et al."). The rejection with respect to independent Claim 9 is respectfully traversed.

Claim 9 recites:

A fixed terminal for use in a communication system in which a mobile terminal can configure said fixed terminal by service negotiation, the fixed terminal comprising a transceiver, a memory for storing software functions, and a processor for controlling operation of the fixed terminal in accordance with stored software functions, at least one of the software functions being alterable in response to the receipt of a message from said mobile terminal containing new software function plus interface software required by the processor in building the new function into an actual implementation on the fixed terminal. [Emphasis Added]

In the Office Action, the Examiner asserts that Nodoushani teaches a fixed terminal which is configurable by a mobile terminal by service negotiation. The fixed

terminal being comprised of a transceiver 24 (fig. 2), a memory for storing software functions 34 (fig. 2), and a processor for controlling operation of the fixed terminal in accordance with the stored software functions 32 (fig. 2), where at least one of the software functions is alterable in response to the receipt of a message from the mobile terminal containing a new software function plus interface software required by the processor in building the new function into an actual implementation on the fixed terminal.

It is respectfully submitted that Nodoushani et al. does not disclose or suggest Applicant's invention as recited by Claim 9. In the Examiner's response to arguments in the previous Office Action, the Examiner states that the entire system shown in fig. 2 in the Nodoushani reference is described as the fixed terminal. All the elements, including reference numerals 34, 32 and the MSC are connected to each other and none of the elements are mobile elements. The Examiner states that the entire system (30) in fig. 2 can be a fixed terminal. Assuming arguendo, that the Examiner is correct in interpreting elements 34, 32 and the MSC as a fixed terminal, the Examiner did not address Applicant's further argument presented in the previous Office Action, recited at page 11. Re-stated, Nodoushani et al. is directed to a method and apparatus for over-the-air service provisioning of a mobile telephone (See col. 1, lines 19-22 of Nodoushani et al.). In sharp contrast to Nodoushani, Claim 9 clearly recites the reverse, namely, *A fixed terminal for use in a communication system in which a mobile terminal can configure said fixed terminal by service negotiation.*

For at least the reasons given above, the cited reference, Nodoushani et al, does not anticipate the subject matter of Claim 9. Accordingly, applicants respectfully request that

the rejection under 35 U.S.C. §102(b) with respect to Claim 9 and allowance thereof is respectfully requested.

Claims 2-4, 6 and 8 were rejected under 35 U.S.C. § 103(a) over BT (EP 0 874 529 A2) and Nodoushani et al.(U.S. Patent No. 6,144,849) in view of Niska et al. (U.S. Patent 6,041,228) ("Niska et al.").

Independent Claim 2 has been amended to better define Applicant's invention and to patentably distinguish Applicant's invention over the combination of BT, Nodoushani et al. and Niska. Claim 2 now recites limitations and/or features which are not disclosed or suggested by the cited references alone and in combination.

Claim 2 recites:

A method of establishing a communications link between a mobile and a fixed terminal, the method comprising :

said mobile terminal transmitting a message notifying the fixed terminal of key parameters relating to its operational capabilities,

the fixed terminal receiving the message, selecting which key parameters it requires to be supplied by the mobile terminal in order to have the capability of communicating with the mobile terminal; and

informing the mobile terminal of the key parameters it needs in order to be able to establish a communication link; and

the mobile terminal transferring the data relating to the required key parameters to the fixed terminal in order to configure/reconfigure the fixed terminal to be able to communicate with the mobile terminal.

It is respectfully submitted that at least the limitations and/or features of Claim 2 are not disclosed or suggested by the cited references alone and in combination.

Specifically, none of the cited references, alone or in combination, teach or disclose the steps of : *the fixed terminal receiving the message, selecting which key parameters it requires to be supplied by the mobile terminal in order to have the capability of communicating with the mobile terminal; and informing the mobile terminal of the key*

parameters it needs in order to be able to establish a communication link; the mobile terminal transferring the data relating to the required key parameters to the fixed terminal in order to configure/reconfigure the fixed terminal to be able to communicate with the mobile terminal.

As recited at page 4 of the previous Office Action, the Examiner states that the combination of BT and Nodoushani does not teach said fixed terminal receiving the message and configuring itself in accordance with the received parameters. Niska teaches said fixed terminal receiving the message and configuring itself in accordance with the received parameters. However, Niska does not teach the limitations of Claim 2 as amended.

For the reasons given above, the cited references, alone or in combination, do not anticipate the subject matter of Claim 2. Accordingly, applicants respectfully request that the rejection under 35 U.S.C. §103(a) with respect to Claim 2 and allowance thereof is respectfully requested.

Additionally, none of the cited references disclose or suggest Applicant's invention as recited by Claim 17.

Additionally, Claims 3 and 4 depend from independent Claim 2 and therefore contain the limitations of Claim 2. Hence, for at least the same reasons given for Claim 2, Claims 3 and 4 are believed to be allowable over the cited references. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 3 and 4 and allowance thereof is respectfully requested.

Dependent Claim 8, which depends from cancelled Claim 6, has been re-written in independent form including the limitations of base claim 6. Claim 8 has also been further amended to recite limitations and/or features which are not disclosed or suggested by the cited references alone and in combination.

Claim 8 recites:

A communications system, wherein said mobile terminal and said fixed terminal each have a software interface configured as a high level user interface application running as a user application including a memory and means for altering the memory, and wherein at least a portion of the area of the memory has a part allocated to respective software functions, the memory altering means replacing the area of a respective part in response to a new function being downloaded.

It is respectfully submitted that at least the limitations and/or features of Claim 8 which are underlined above are not disclosed or suggested by BT, Nodoushani et al. and Niska, taken alone or in combination. Accordingly, applicants respectfully request that the rejection under 35 U.S.C. §103(a) with respect to Claim 8 and allowance thereof is respectfully requested.

Claims 10-14 were rejected under 35 U.S.C. § 103(a) over BT (EP 0 874 529 A2) in view of (U.S. Patent No. 5,950,124) issued to Trompower ("Trompower et al.").

Applicant appreciates the courtesy granted to Applicant's attorney, Michael A. Scaturro (Reg. No. 51,356), during a telephonic interview conducted on February 3, 2004. During the telephonic interview, independent Claim 10 was discussed. Applicant's Attorney pointed out novel features of Claim 10 which distinguish the claim from BT. The Examiner stated that in light of the arguments made that Claim 10 appeared to be

patentably distinguishable from the cited reference but that a further search may be required.

For at least the reasons provided to the Examiner during the telephonic interview, the cited references, alone or in combination, do not anticipate the subject matter of Claim 10. Accordingly, applicants respectfully request that the rejection under 35 U.S.C. §103(a) with respect to Claim 10 and allowance thereof is respectfully requested.

Additionally, Claims 11 – 14 depend from independent Claim 10 and therefore contain the limitations of Claim 10. Hence, for at least the same reasons given for Claim 10, Claims 11 - 14 are believed to be allowable over the cited references. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 11 - 14 and allowance thereof is respectfully requested.

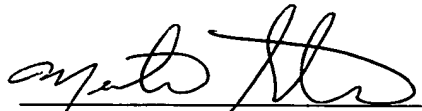
Claims 15 and 16 were rejected under 35 U.S.C. § 103(a) over BT (EP 0 874 529 A2) in view of (U.S. Patent No. 6,144,849) in view of U.S. Patent 6,112,206 issued to Morris ("Morris et al.").

Claims 15 and 16 recite similar subject matter as Claim 10, and are believed to be in condition for allowance for at least the same reasons given for Claim 10. Accordingly, applicants respectfully request that the rejection under 35 U.S.C. §103(a) with respect to Claims 15 and 16 and allowance thereof is respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 2-4 and 8-17 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Dico Halajian, Esq., Intellectual Property Counsel, Philips Electronics North America Corp., at 914-333-9607.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael A. Scafurro', written over a horizontal line.

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